

1 AMENDMENT TO HOUSE BILL 1662

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1662 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by  
5 adding Section 5-2.05 as follows:

6 (305 ILCS 5/5-2.05 new)

7 Sec. 5-2.05. Disabled children.

8 (a) The purpose of this Section is to offer, to children  
9 with disabilities and severely mentally ill or emotionally  
10 disturbed children who otherwise would not qualify for  
11 medical assistance under this Article due to family income,  
12 home-based and community-based services instead of  
13 institutional placement, as allowed under the federal Tax  
14 Equity and Financial Responsibility Act of 1982.

15 (b) A parent or legal guardian of a child may purchase  
16 medical assistance coverage under this Article for the child  
17 if:

18 (1) the child is under 19 years of age;

19 (2) the child is disabled as defined in the Social  
20 Security Act and receives Supplemental Security Income or  
21 Social Security Disability Insurance benefits based on  
22 that disability;

1           (3) the child requires a level of care normally  
2 provided in a medical institution, such as a nursing  
3 home, an intermediate care facility for the mentally  
4 retarded (ICF/MR), or an acute care hospital;

5           (4) a medical professional determines home care to  
6 be appropriate for the child; and

7           (5) the cost of home care for the child does not  
8 exceed the cost of the alternative institutional care.

9           In determining a child's eligibility under this Section,  
10 the parent's or legal guardian's income and resources may not  
11 be considered.

12           (c) The Department of Public Aid shall adopt rules to  
13 implement this Section. These rules must include the  
14 following:

15           (1) The definition of a medical institution so that  
16 both children with a developmental disability and  
17 severely mentally ill and emotionally disturbed children  
18 are eligible for medical assistance under this Section.

19           (2) The level of care considered to be normally  
20 provided in those institutions.

21           (3) The method by which home care is deemed  
22 appropriate.

23           (4) The method by which the Department shall  
24 determine that home care is less expensive than  
25 institutional care.

26           Section 99. Effective date. This Act takes effect upon  
27 becoming law.".